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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Petitioner and Respondent,

v.

STEVEN THOMAS MARQUEZ,

Defendant and Appellant.

F076999

(Super. Ct. No. F16901582)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Fresno County. F. Brian Alvarez, Judge.

Kendall D. Wasley, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Petitioner and Respondent.

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\* Before Poochigian, Acting P.J., Franson, J. and Smith, J.

After a contested hearing, the court found appellant Steven Thomas Marquez violated his probation and it lifted the stay on a seven-year prison term it had previously suspended. Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

### **FACTUAL AND PROCEDURAL HISTORY**

In 2002, Marquez was convicted of misdemeanor molesting or annoying a child under the age of 18 (Pen. Code, § 647.6)<sup>1</sup> and required to register as a sex offender (§ 290.012).

On December 12, 2016, Marquez pled no contest to failing to register as a sex offender with a prior conviction (§ 290.012, subd. (a)) and he admitted four prior prison term enhancements (§ 667.5, subd. (b)). In exchange for his plea, the prosecutor dismissed a prior strike allegation and recommended Marquez be sentenced to a stayed prison term of seven years and receive an initial grant of probation.

On January 25, 2017, pursuant to his negotiated plea, the court sentenced Marquez to a seven-year term, the aggravated term of three years on his failure to register conviction and four one-year prior prison term enhancements. The court then suspended execution of sentence and placed Marquez on three years' probation.

On October 10, 2017, the probation department filed a document alleging that Marquez committed several probation violations.

On January 18, 2018, following a contested hearing, the court found Marquez violated his probation by failing to appear for an office appointment on August 31, 2017, and failing to maintain contact with the probation department. The court then imposed the seven-year sentence it had previously suspended.

On February 5, 2018, Marquez filed a timely notice of appeal.

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<sup>1</sup> All further statutory references are to the Penal Code.

Marquez's appellate counsel has filed a brief that summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) Marquez has not responded to this court's invitation to submit additional briefing.

Following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

**DISPOSITION**

The judgment is affirmed.